United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

September 5, 2006

Ms. Carol Ann Wehle
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Dear Ms. Wehle:

The Department of the Interior (Department) is pleased that the South Florida Water Management District (District) is moving forward to establish minimum flows and levels (MFLs) for Florida Bay. These efforts are an important step towards protecting Everglades National Park, one of the nation's most imperiled National Parks. The Department supports establishment of the Florida Bay MFL rule as proposed by the District. The Department applauds the District's efforts in supporting the proposed MFL rule with solid science. The Department agrees that salinity is an appropriate indicator of ecosystem health for Florida Bay. The South Florida Natural Resources Center, Everglades National Park, has provided the District with its paper entitled *Ecological Targets for Western Biscayne National Park* advocating the use of salinity as an appropriate indicator of ecosystem health for Biscayne Bay.

The Department agrees with the peer review authors of the *Overall Review and Responses to Technical Questions to "Technical Documentation to support Development of Minimum Flows and Levels (MFL) for Florida Bay"* that an adaptive management approach must be taken regarding the proposed MFL. Continued research and monitoring must be undertaken to ensure that the proposed MFL protects against significant harm to the resource. As the proposed rule utilizes only one monitoring station which is located upstream from open Bay waters, the Department believes that expansion of the number of stations used to calculate exceedences could be necessary to prevent significant harm. The Department supports an initial review of the MFL criteria as soon as new information from the CERP Florida Bay and Florida Keys Feasibility Study (Feasibility Study) or other scientific data becomes available, but no later than five years after adoption. Models are being developed as part of the Feasibility Study which can be utilized.

Ruppia *maritima* (Ruppia) was selected as the sole indicator species based on the existing documentation. Along with further assessment of the recovery response of Ruppia, both the Department and the peer reviewers believe that an effort needs to be made in the future to expand the indicator species to Higher Tropic Levels (various fish and crustaceans in particular). *Ecological Targets for Western Biscayne National Park* identified six fish and

wildlife indicators in Biscayne Bay affected by salinity. The initial review of the MFL should consider an expansion of the indicator species to better ensure that the Bay resources do not experience significant harm.

Additionally, an earlier draft of the rule contained not only the minimum annual freshwater flow necessary to maintain salinity so as to not cause exceedences of the MFL, but also a minimum 7,000 acre-feet dry season flow of necessary freshwater. The dry season minimum flow requirement has been removed from the rule. The dry season freshwater flows to Florida Bay are of particular concern to the Department as it is during the dry season that exceedences are likely to occur. The dry season freshwater flows and their effects on salinity should be monitored and the data utilized in connection with the water management Prevention and Recovery Strategies mentioned in the proposed rule.

Sincerely,

for Terrence C. Salt
Director of Everglades Restoration Initiatives